

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRENDAN ABBOTT, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

VITAL PHARMECEUTICALS, INC.,
d/b/a “VPX Sports,” et al.,


Defendant.

Case No. 4:22 CV 587 CDP

ORDER

Plaintiff having filed an amended complaint as permitted under Rule
15(a)(1)(B), Federal Rules of Civil Procedure,

IT IS HEREBY ORDERED that defendant Vital Pharmaceuticals, Inc.’s
Motion to Dismiss for Failure to State a Claim [9] directed to plaintiff’s original
complaint is **DENIED AS MOOT** but without prejudice to be refiled to the amended
complaint if appropriate. Defendant is reminded of its obligation to respond to the
amended complaint within the time set by the rules.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2022.